

Message Text

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60

ACTION ARA-10

INFO OCT-01 IO-11 ISO-00 DHA-02 EUR-12 ORM-02 PM-04 NSC-05

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FM AMEMBASSY SANTIAGO

TO SECSTATE WASHDC PRIORITY 6926

INFO USMISSION USUN NEW YORK PRIORITY

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LIMITED OFFICIAL USE SANTIAGO 0803

EO 11652: N/A

TAGS: CI, PINT, PINS, SHUM

SUBJECT: NEW GOC GUARANTEES OF RIGHTS OF DETAINEES

REF: (A) 75 SANTIAGO 3084, (B) SANTIAGO 0756

1. JUSTICE MINISTER SCHWEITZER IN TALK WITH REPORTERS
JANUARY 29 GAVE INFORMATION ON NEW GOC DECREE REGULATING
DETENTIONS THAT WAS NOT AVAILABLE WHEN REF B WAS SENT.
PARTICULARLY, HE INDICATED THAT NEW LEGISLATION WAS NOT DECREE
LAW AS EMBASSY HAD BELIEVED, BUT SIMPLE GOVERNMENTAL DECREE
("DECRETO SUPREMO" RATHER THAN "DECRETO LEY") REGULATING
PROVISIONS OF DECREE LAW 1009 OF MAY 1975 (REF A). DISTINCTION
IS MINOR BUT SHOULD BE MADE IF US DEL SPEAKS TO SUBJECT
DURING UNHRC MEETING IN GENEVA.

2. SCHWEITZER REPORTEDLY SAID THAT PRESIDNET PINOCHET HAD
PERSONALLY ORDERED DECREE BE DRAFTED IN ORDER TO QUIET
CONCERNS ARISING FROM CHARGES THAT DECREE LAW 1009 WAS NOT
BEING COMPLIED WITH (DL 1009 PROVIDED THAT FAMILIES BE
INFORMED OF DETENTIONS WITHIN 48 HOURS, THAT DETAINEES' STATUS
BE REGULARIZED WITHIN FIVE DAYS, AND THAT "ILLEGITIMATE PRESSURES"
ARES PROHIBITED. PROVISIONS OF DL HAVE BEEN IGNORED IN MANY
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CASES.) SCHWEITZER SPOKE OF ONEROUS TASK PLACED ON HIM AND

SUPREME COURT PRESIDNET IN NEW DECREE, WHICH GIVES THEM
AUTHORITY TO INVESTIGATE IRREGULARITIES, BUT THIS PROVISION
IS OF GREATEST SIGNIFICANCE, SINCE "IT IS IMPORTANT TO GIVE
TO CITIZENRY MAXIMUM GUARANTEES AGAINST POSSIBLE INFRACTIONS"
OF LAW.
POPPER

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